



Region 2
3201 Spurgin Road
Missoula, MT 59804

June 24, 2020

Dear Interested Citizen:

Thank you for your thoughtful reviews and comments on Montana Fish, Wildlife & Parks' (FWP) proposal to conduct restoration work on approximately 6,000 feet (1.1 miles) of Spotted Dog Creek within FWP's Spotted Dog Wildlife Management Area (WMA), located northeast of Deer Lodge in Powell County. Proposed actions would create, enhance, and protect wetland, riparian, and aquatic habitat within the WMA. The proposed action would be undertaken by and funded by the Montana Department of Justice, Natural Resource Damage Program (NRDP) on behalf of FWP.

Enclosed is a decision notice in which FWP reviews public comments and explains its rationale for choosing the proposed action (Alternative B) as described and explained in the Draft EA. Upon completion of the public involvement process, FWP accepts the draft environmental assessment (EA) as final. The decision document includes all comments received during the public review and comment period for the Draft EA for this project.

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

Randy Arnold
Regional Supervisor

RA:sr

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DECISION NOTICE for Upper Spotted Dog Creek Restoration Project Draft EA

*Montana Fish, Wildlife & Parks; Region 2
3201 Spurgin Road, Missoula MT 59804
Phone 406-542-5500
June 24, 2020*

INTRODUCTION AND PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP) proposes to conduct restoration work on approximately 6,000 feet (1.1 miles) of upper Spotted Dog Creek (Little Blackfoot River watershed) within FWP's Spotted Dog Wildlife Management Area (SDWMA) northeast of Deer Lodge in Powell County, Montana. Proposed actions would create, enhance, and protect wetland, riparian, and aquatic habitat within the WMA. The proposed action would be undertaken and funded by the Montana Department of Justice, Natural Resource Damage Program (NRDP) on behalf of FWP.

Proposed Phase 1 work in 2020 would include slope wetland restoration, instream beaver habitat structure construction, and weed control. Proposed Phase 2 work in 2021 would include channel construction; existing channel enhancement; streambank construction and stabilization; floodplain grading and increasing surface roughness; wetland creation and enhancement; riparian perimeter fencing; and floodplain, wetland, and streambank revegetation.

This decision notice follows the draft EA that evaluated FWP's proposal to restore a portion of upper Spotted Dog Creek. (Please refer to the draft EA for full details of the proposal.)

ALTERNATIVES

Alternative A: No Action

Under the No Action alternative, MFWP and NRDP and its partners would not implement the proposed restoration actions and instead maintain land management and land use practices as defined in the *Spotted Dog Wildlife Management Area Habitat Plan*¹. Degraded habitat conditions on Spotted Dog Creek would slowly improve with reduced pressure from grazing. However, improvement of the wetland and riparian areas to pre-disturbance conditions would likely take decades to centuries. During this time, the ecosystems within SDWMA, and of which the WMA is a part, would remain below their functional capacity.

¹ Spotted Dog Work Group and Montana Department of Fish, Wildlife and Parks (MFWP). 2018. Spotted Dog Wildlife Management Area Habitat Plan. Montana Fish, Wildlife & Parks; Missoula, MT]. Available at < <https://myfwp.mt.gov/fwpub/landsMgmt/siteDetail.action?lmsId=39754722>> Accessed 14 June 2020.

Alternative B: Proposed Action

The proposed action is the preferred alternative and includes implementing the proposed restoration activities described in the *Type of Proposed Action* and the *Narrative Description of the Proposed Action* sections (sections I.1 and I.7 in the Draft EA). Under the proposed action, upper Spotted Dog Creek would be restored to the point that the stream can much more rapidly recover and repair itself to pre-disturbance conditions over time. The restoration of Spotted Dog Creek and associated wetlands and riparian areas would contribute significantly to ecosystem health at multiple spatial scales and would help address resource concerns and proposed restoration actions as outlined in the *SDWMA Habitat Plan* as well as NRDP's *Restoration Plans*².

PUBLIC REVIEW PROCESS

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. FWP released a cover letter (summarizing proposal details) and draft environmental assessment (EA; "Upper Spotted Dog Creek Restoration Project") for public review of this proposal on May 15, 2020 and accepted public comment for 32 days through June 15, 2020.

Legal notices of the proposed addition and the availability of its draft EA were published in the following newspapers (dates): *Independent Record* (Helena, May 14), *Missoulian* (May 14), *Montana Standard* (Butte, May 17), and *Silver State Post* (Deer Lodge, May 20). FWP issued a statewide news release regarding this proposal on May 26, 2020.

FWP mailed 35 copies of the cover letter and draft EA, and emailed approximately 95 notifications of the EA's availability, to adjacent landowners and interested individuals, groups and (non-FWP) agencies. The EA was available for public review and comment on FWP's web site³ (<http://fwp.mt.gov/>, "News," then "Recent Public Notices") from May 15 through June 15, 2020, along with opportunity to comment online.

PUBLIC COMMENT

Summary of Public Comment

FWP received comments from 3 commenters: Anaconda Sportsmen's Club (Anaconda), Montana Trout Unlimited (Missoula), and 1 individual (Deer Lodge). All commenters supported the proposal, and FWP appreciates the support for this proposed project.

Comments mentioned that the project would: benefit the project section of upper Spotted Dog Creek for aquatic and associated riparian benefits (primarily benefiting native westslope

² Natural Resource Damage Program (NRDP). 2019a. Upper Clark Fork River Basin Aquatic and Terrestrial Resource Restoration Plans, Updated February 2019. Montana Department of Justice. Available at <https://media.dojmt.gov/wp-content/uploads/02.27.2019_UCFRB-AT-Restoration-Plan-Update_FINAL_with-Gov.-signature.pdf> , accessed 14 June 2020.

³ The EA is available at <http://fwp.mt.gov/news/publicNotices/environmentalAssessments/developmentImprovementsAndEnhancements/pn_0417.html> , accessed 14 June 2020.

cutthroat trout, a native species), improve the WMA, and enhance wildlife. All comments received are in the following table.

Table. Comments on the proposed Upper Spotted Dog Creek Restoration Project and Draft EA, received by FWP during the comment period (May 15 through June 15, 2020). Comments received via E = email, Ph = Phone.

Com- men- ter #	Via	Para- graph	Comment
1	E		The Anaconda Sportsmen's Club (ASC) is in support of this project. It will improve the WMA for the future; which will enhance the Wildlife as well.
2	E	1	Thank you for the opportunity to provide comments on the proposed project to restore portions of the Upper Spotted Dog Creek. We have reviewed the proposal and associated draft Environmental Assessment, and we wish to go on record strongly supporting this project under Alternative B. We believe this project has intrinsic benefit to this section of Upper Spotted Dog Creek for aquatic and associated riparian benefits, primarily benefiting native Westslope Cutthroat Trout. Thank you for your work to develop and pursue this project in the Upper Clark Fork River drainage.
		2	Founded in 1964, Montana Trout Unlimited (MTU) is the only statewide grassroots organization dedicated solely to conserving, protecting, and restoring Montana's coldwater fisheries. MTU is comprised of 13 chapters across the state and represents approximately 4,500 TU members.
		3	Please do not hesitate to contact us with any questions, or if you need additional information regarding the comments that we have submitted (via email at [email] or by phone at [phone #]). Again, we thank you for the opportunity to comment.
3	Ph		I received the Spotted Dog Project information. I also talked to a buddy who said it's a worthwhile project (other than he thought he could do it in 2 days; he's a farmer). I support the proposal.

Additional Comment

At the Montana Environmental Quality Council's (EQC, a legislative committee) meeting of 27 May 2020, a council member asked FWP about the cost of this proposed restoration project. At the following day's EQC meeting, FWP responded with the \$850,000 project estimate, along with information provided by NRD regarding how this project helps fulfill NRD's work in the Upper Clark Fork River basin:

Paragraph 22 of the 1999 Streamside Tailings Consent Decree⁴ (SST CD) requires the State to develop, in consultation with U.S. Fish and Wildlife Service (USFWS), the State Wetlands/Riparian Areas Plan. Paragraph 22 requires the State to create in the Upper Clark Fork River Basin (UCFRB) up to 400 acres of any combination of the following: newly constructed wetlands or restoration of destroyed wetlands, enhancement of existing wetlands, or enhancement of riparian areas on or along the Clark Fork River or its tributaries. To full fill this commitment funds were originally allocated to the Dutchman wetland complex, but negotiations with BP/AR failed and the State was unable to implement restoration work in this area. In 2019, the State (NRDP and FWP) prepared the Final State Wetlands/Riparian Areas Plan, in consultation with USFWS, that allocated the remaining \$2.7 million, \$1.7M to Milltown and \$1.0M to the Spotted

⁴ The decree resulted from the State of Montana's 1983 lawsuit against the Atlantic Richfield Company (ARCO) for injuries to the natural resources in the Upper Clark Fork River Basin from historic mining and smelting activities. See NRD's website at <https://dojmt.gov/lands/nrdp-home/>. The 1999 SSTCD is available at <https://media.dojmt.gov/wp-content/uploads/2011/06/settlementagreement02.pdf>. Both webpages accessed 22 June 2020.

Dog WMA area to meet this State commitment. The State is required to protect these areas so larger State properties managed by FWP were selected. The plan was provided to the public for comment.

DECISION

Based upon the Draft Environmental Assessment and the applicable laws, regulations, and policies, I have determined that the proposed action will not have significant negative effects on the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis, and preparation of an Environmental Impact Statement is unnecessary.

No concerns were raised during the public comment period that would bring the environmental analysis into question. All commenters supported the proposed action, and no comments were received in opposition. Based on the analysis in the Draft EA and including the lack of public comment opposing the project or suggesting changes to the Draft EA, I have selected the "Proposed Action" (Alternative B). FWP and NRDP will work to restore approximately 6,000 feet of upper Spotted Dog Creek within Spotted Dog WMA.

By notification of this Decision Notice, the draft EA is hereby made the final EA. The finding of selection for the "Proposed Action" Alternative B for the Upper Spotted Dog Creek Restoration Project is the product of this Decision Notice.



Randy Arnold
Region 2 Supervisor
Montana Fish, Wildlife & Parks

6/24/2020

Date